

Martha Nussbaum on #MeToo

The philosopher discusses anger, pride, and justice after sexual assault.

By **Isaac Chotiner**



“The vice of pride is at work in the still all-too-common tendency to treat women as mere objects, denying them equal respect and full autonomy,” Nussbaum writes. Tomas Wüthrich / 13 Photo / Redux

During the past four decades, Martha Nussbaum has established herself as one of the preëminent philosophers in America, owing to her groundbreaking studies on subjects ranging from the ancient Greeks to modern feminism. In a [Profile](#) of Nussbaum published in 2016, Rachel Aviv wrote, “Her work, which draws on her training in classics but also on anthropology, psychoanalysis, sociology, and a number of other fields, searches for the conditions for *eudaimonia*, a Greek word that describes a complete and flourishing life. At a time of insecurity for the humanities, Nussbaum’s work champions—and embodies—the reach of the humanistic endeavor.”

Nussbaum’s latest book, [“Citadels of Pride: Sexual Abuse, Accountability, and Reconciliation,”](#) focusses on many of the themes she has written about before, from gender relations to the role of anger in human behavior. In it, she examines three fields—the federal judiciary, the performing arts, and college sports—and explains the distinct reasons that each one is particularly vulnerable to predatory men. But her book is also a plea to prevent the anger channelled by the #MeToo movement from overwhelming a commitment to due process. “Some women not only ask for equal respect but seem to take pleasure in retribution,” she writes. “Instead of a prophetic vision of justice and reconciliation, these women prefer an apocalyptic vision in which the former oppressor is brought low, and this vision parades as justice.”

I recently spoke by phone with Nussbaum, who is a professor of law and philosophy at the University of Chicago. During our conversation, which has been edited for length and clarity, we discussed the shortcomings of sexual-harassment laws, why pride is partially to blame for sexual abuse, and how to deal with transgressors who have not been convicted in a court of law.

Why did you think those three areas—the federal courts, the arts, and college sports—were so important to focus on?

In most workplaces, we're all on notice of what the rules are. Every year, I have to go through sexual-harassment training like everyone else. But, in these areas, for different reasons in each case, there is no stable structure of rules, and there's a great asymmetry of power.

In the federal courts, the reason for the instability is the clerk-judge relationship. The clerk is sort of at the mercy of the judge all the way through his or her career. So there is that very intimate relationship, together with, until extremely recently, the lack of clear rules about whistle-blowing. That's just a bad structure. So I favor changing the whole clerkship structure, but I don't think it's going to happen.

In the arts, the problem is that, unlike my job, where I have a contract, everyone goes from short gig to short gig, and so, therefore, one person who's very powerful in an industry—like a Harvey Weinstein or a James Levine—can have great influence, even if that person isn't your supervisor. The other problem is there were just really no rules. The unions in the performing arts have notoriously been very weak. That means that management doesn't have to put in clear rules, because there's no demand from the side of the unions. Now that is starting to change.

Professional sports are going the way of a normal workplace, with a contract between the players union and management that specifies conditions under which you will be penalized for bad sexual behavior, whether it's domestic violence or sexual harassment. But college sports are different, and the reason is there's this huge collective-action problem. There are so many Division I schools in both basketball and football, and the number of really big talents each year is very limited. So all of them are competing for this very small talent pool, and that means they're under great pressure to lower standards to recruit the best talents, even some of the schools that, for a long time, held out and had high academic standards for student athletes and high sexual-assault standards. And I see no way of changing that. The N.C.A.A. has tried for years to police the bad behavior, but they really haven't done very much. So I conclude, reluctantly, that with basketball, there is a fix, namely giving up the college altogether and going over to a minor-league system, alongside international professional teams, which the N.B.A. can draw talents from. But football, it's different, because there is very limited American football in Europe, and there is no minor league emerging. So I think the only solution, if there is one, is ending college football. What seems to be happening through litigation is a system where athletes will be paid a large salary, but then it's no longer reasonable to call them students.

Your work often consists of taking philosophical concepts and applying them to real-world situations. Here, you talk about the causes of sexual harassment and abuse and write, “The vice of pride is at work in the still all-too-common tendency to treat women as mere objects, denying them equal respect and full autonomy.” Why pride?

I don't mean the pride that somebody who's part of a gay-pride march has. That's different. That's self-affirmation, and I don't even think it should be called pride. What I wanted to do was get behind this idea of objectification, treating a person like a thing, which feminists have talked about for decades, and say, “Why? What is it about people that produces this?” It's a kind of extreme narcissism, but I didn't want to use psychiatric jargon. I wanted a more ordinary word.

What Dante says is that it's a kind of master vice. He depicts the proud in Purgatory as bent over like hoops so that they can't see the outside world at all. They can only see parts of their own bodies, so it's like you're the

whole world. Now, of course, it comes in segments. You can have race pride and not gender pride. You can have class pride and not race pride, and so forth. Dante realized in the process that he had career pride, poetry pride, and maybe he didn't have some of the other kinds. But insofar as he has it, it cuts off your eyes and view—you're not seeing the other person. That's how you can treat a person like a thing. Denying autonomy, denying subjectivity—and you're not listening to the person's voice. So his anti-type is the Emperor Trajan, who is very, very powerful, but who listens to a poor woman when she comes to him and wants justice for her son. Dante depicts his openness as the virtue that's opposed to pride, so that's really what I'm talking about, a kind of narcissism that closes the eyes and the ears.

In the book, you separate out pride as a character trait from pride as a human emotion.

Right, you can have the momentary emotion of being proud of your children, or whatever, without having this global kind of narcissism—although it's already risky. It tends in that direction. But what I'm thinking of is the character trait that persists through situations of many kinds, and I think it's fair to say that, for a long time, most if not all men in our society have been brought up basically to have that vice with respect to women. Women are there for them. They're there as helpmates or sexual objects, not as persons in their own right.

In the book, you write, “#MeToo has helped win accountability. But the fact that so much of the #MeToo movement is social rather than legal creates a problem: how to secure justice and protect equal dignity when punishment is meted out not by impartial legal institutions but by shaming and stigmatization.” How do you think that has happened in practice?

Well, of course, it's been with us as long as punishment has been around. There have always been punishments that were doled out by public shaming. Witch burning is the culmination of that. I think we've gradually moved to a system where that doesn't happen, where you're tried by due process of law. There has to be evidence and arguments, and then you get a penalty.

About twenty years ago, I was involved in a controversy where some criminal-law theorists were recommending bringing back shame punishment at the penalty stage. I argued against that back then, and I said, first of all, it's a mistake, an offense against human dignity to brand the whole person with what is actually a single act. You can't confuse the act and the person. Then, second, it's just wrong to have the crowd administer the penalty. The third point is that if you look in history, you find out that it starts small, with people who have really done something bad. But then it spreads to people who are unpopular. And, then, the fourth thing is that it often leads to a despair that leads to violent retaliation, so it increases violence rather than decreasing it. And, finally, it leads to what some seminal law theorists call net widening, which means that a lot more behavior is now policed than would be otherwise, because the things that these people were talking about were often things that I think should not be illegal at all, such as soliciting sex and so forth.

Now, with social media, we're really back to the stocks and the pillory, where the public is judge and district attorney and jury and the penalty administrator. And this is really, really bad. Your whole life can be ruined by something you didn't even do.

You write, “Our #MeToo moment has seen its share of cases in which punishment has not been nuanced or calibrated, in which mass shaming takes the place of procedural justice.” Did you have any specifics in mind for that?

We could go through lots of cases. I'll just be very anonymous about this. Whenever a book is cancelled, and a contract is cancelled, there should have been a very thorough investigation, with the most aggressive sifting of all the evidence and the chance for the accused to question the witnesses—that's what a criminal trial involves. That's what a tribunal in a university involves. So if you take any kind of retaliation against an author or a politician, without that due process, I think that's bad. Now, of course it's hard to arrange if the person isn't willing to bring a criminal charge. That's one reason why most states are now dropping the statute of

limitations. But even if the person decides, “I don’t want to bring a criminal charge. I just want to tell my story,” nonetheless, there has to be a sifting of all the evidence, and all the people get to be confronted and questioned by the accused.

I assume you were alluding to the Blake Bailey biography of Philip Roth being taken out of print after Bailey was accused of rape, but we also know that the law is imperfect, and, for various practical and systemic reasons, it’s often really hard to convict people of sexual assault. I think most people came to an opinion about Harvey Weinstein before any jury did. I understand why that’s problematic, but I also don’t really see a solution to it.

First of all, we don’t have to make judgments. We can wait and let the jury do that. And then, in the selection of the Harvey Weinstein jury, they tried very hard not to admit anyone who had made up their mind about the case. I thought it was very interesting how the jury did deliberate. In fact, they convicted him on some charges, not on others. They didn’t just go in with a blanket prior and come to a quick conclusion. They sifted all the evidence.

I wasn’t trying to take issue with the jury system. What I was wondering about—and I don’t have a great solution to this—is not so much how to fix juries but how we as a society should react to people like Harvey Weinstein or Bill Cosby. I assume that you would not have a problem with people saying they don’t want to work with them or they don’t think that they should be given money to produce movies or TV shows before they were convicted by a jury.

I have, for a long time, behaved that way with respect to one person in the philosophy profession who was found to have committed sexual harassment at one previous institution. I still would not like to have anything to do with that person, so I think that’s perfectly proper.

There are different gradations. Avoiding the person is one. Then there’s the question about purchasing the person’s work. I talk about, “Should I buy recordings by James Levine?” [The former music director of the Metropolitan Opera, who died in March, was accused by several men of sexual abuse and fired from the Met in 2018. Levine denied these allegations.] And then you have to ask, “Is it an ongoing career or is it over? Has the person ever apologized?” That’s why I think Plácido Domingo is actually in quite a different category from the other ones I talk about, because he’s apologized. [After numerous women accused Domingo of sexual harassment, he resigned from the Los Angeles Opera and apologized to them.] It’s not a perfect apology, but he also has shown, I think, in his over-all behavior, a real respect for women. So, that’s a different case.

Have you been surprised by the poor quality of the #MeToo apologies? I’m just curious how you think about this as a philosopher. I’ve just been shocked at how bad the apologies have been.

Oh, I think men are brought up not to want to apologize for anything. That’s part of the pride that I’m talking about. You don’t want to lower yourself in the public eye. So, no, I’m not surprised. I think Domingo, also, part of what he said which was so inadequate, at first, was also true. Namely, he’s from a different culture and he’s from a different generation. So I wouldn’t expect the same thing of someone in their eighties that I would expect from someone who grew up in the world where both sexual harassment and sexual assault were crimes. But, still, he had to do better, and, eventually, he did make a better apology. I guess women are always the ones who are made to apologize. We get used to apologizing, but it’s very hard for men to apologize for anything at all.

You write in the book, “It is also a time when some women not only ask for equal respect but seem to take pleasure in retribution. Instead of a prophetic vision of justice and reconciliation, these women prefer an apocalyptic vision in which the former oppressor is brought low, and this vision parades as justice. No. Justice is something very different, requiring nuances, distinctions, and forward-looking strategies to bring the warring parties to the table of peace.” I think that’s extremely important, and I want our society to operate along the lines that you’re saying. But I think a lot of the anger and rage that we saw

from women around #MeToo was not only understandable but, in some sense, helpful. I can't get myself to wish that people were not foaming-at-the-mouth angry about much of what came out. Do you want to live in a society where, when these things come out, people are not foaming-at-the-mouth angry?

Well, not foaming at the mouth. I really think it's very important to distinguish the two kinds of anger. One is just, "I want a payback. I want a proportional payback." And that is never useful. But there is a kind of anger which I call transition anger, because it turns and faces the future. That is very useful, namely saying, "That's absolutely outrageous. It must not happen again." We all know what that is, because I think anyone who's a parent or who's seen good parents operate sees that they operate exactly that way. They don't want to pay their children back but they are outraged. And then they want to choose a solution that will produce a better future. So that is what I think is very useful. I don't see any point in the foaming of the mouth.

I think the person who's my great model in all this was Martin Luther King, Jr. There's no person who more powerfully expressed deep outrage, but totally rejecting the retributive turn. There was an essay in 1959 ["The Social Organization of Nonviolence"], where he said there are really two ways that you can react to a profound injustice. He said there's one that's a strike-back tendency that just wants to retaliate for what has happened in the past. He said that's not very useful. It's confused, and it's not radical. I thought that was particularly interesting. But the kind that he wanted, the kind that he called radical, was an anger that had been purified. Namely, you lop off the desire for retribution and you then combine the outrage with a move forward that involves hope and faith and even love for people. That is, love for the core of potentiality in a human being that makes them capable, maybe, of going along with you and joining with you in your future projects.

I can't really argue with that, although some part of me thinks that I would distrust people who didn't have any desire for retribution while, at the same time, not wanting the desire for retribution to shape how we as a society respond to basically any crimes.

Well, it is evolutionary, probably, and it probably did some good at some point in our evolutionary history. But I guess now it's a vestige, and it really involves confused thinking. It involves thinking that this payback does you any good. I'm teaching "Dead Man Walking"—the opera, not the movie. Here are these parents who've lost their children, this terrible thing. And what they're obsessed with is getting this guy to be executed. It's a false direction. It's not giving them any solution for their grief.

One of the four parents eventually realizes this, and he comes to Sister Helen [Prejean] and says, "You know, my wife and I have separated, and I guess I'm thinking differently now." He's beginning to wake up, and is seeing that retribution gives you nothing. It's just a diversion, when you could be doing something, perhaps, to make it less likely in the future that somebody would suffer some crime of violence. You could be putting your grief to good use. As King said, if everyone just sat at home in despair, nothing would get done. You need to take part in a constructive movement for change.

I think this is what most women do. And I think that off-the-charts retributivism is weak. I think it is weak because it just means I have nothing constructive to do, so I'm going to punish you. We see this in divorce all the time, where people can't think of how to go forward, so they spend all their time trying to punish the ex with some retributive divorce settlement. They don't rescue their self-respect. They don't create a new future for themselves. And they make themselves weak.

You wrote a famous essay more than two decades ago now where you took on some aspects of the feminist movement for "turning away from the material side of life." Is that something that you worry about the feminist movement in the wake of #MeToo, or is your critique, to the degree it is a critique, a different one?

Oh, no, the #MeToo movement is very material, and it's facing real issues, so that's not my critique at all. No, what I was worrying about was a kind of jargon-laden writing where all the debate was on the plane of high

theory. You couldn't read a paragraph without seeing reference to Althusser and five other French theorists, so no one in the public could understand it.

Bringing up a French philosopher who strangled his wife is a good way to bring this conversation full circle.

Right, but that wasn't mentioned, of course. No, if you mentioned that, that would be something real. But, yes, half of these theorists who were being kowtowed to were, of course, very bad people in lots and lots of ways. I think feminist theory has moved much more back toward real issues. When I teach feminist philosophy now, there's lots of new scholarship, particularly about transgender issues. So that's not the problem. The problem is that some feminists, like so many people in America, have endorsed retributivism, which not all cultures have taken up. We don't have to be that way.